

Samuel Maida (SBN 333835)  
HAUSFELD LLP  
600 Montgomery Street, Suite  
3200 San Francisco, CA 94111  
Tel: 415-633-1908  
Fax: 415-358-4980  
Email: [smaida@hausfeld.com](mailto:smaida@hausfeld.com)

Manuel J. Dominguez (*pro hac vice*)  
COHEN MILSTEIN SELLERS &  
TOLL PLLC  
11780 U.S. Highway One, Suite N500  
Palm Beach Gardens, FL 33408  
Tel: 561-515-2604  
Fax: 561-515-1401  
Email: [jdominguez@cohenmilstein.com](mailto:jdominguez@cohenmilstein.com)

Jeffrey J. Corrigan (*pro hac vice*)  
SPECTOR ROSEMAN & KODROFF, P.C.  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Tel: 215-496-0300  
Fax: 215-496-6611  
Email: [jcorrigan@srkattorneys.com](mailto:jcorrigan@srkattorneys.com)

*Attorneys for Plaintiffs*

[Additional Counsel Listed on Signature Page]

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL  
ROBOT ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Case No.: 3:21-cv-03825-AMO-LB

**STIPULATION AND [PROPOSED] ORDER  
TO FURTHER MODIFY THE CLASS  
CERTIFICATION BRIEFING SCHEDULE  
AND SET CASE MANAGEMENT  
CONFERENCE AND STATEMENT  
DEADLINES**

Judge: Honorable Araceli Martínez-Olguín

STIPULATION AND [PROPOSED] ORDER TO FURTHER  
MODIFY THE CLASS CERTIFICATION BRIEFING  
SCHEDULE AND SET CASE MANAGEMENT  
CONFERENCE AND STATEMENT DEADLINES

Case No.: 3:21-cv-03825-AMO-LB

Pursuant to Local Civil Rule 6-2, Plaintiffs Larkin Community Hospital, Franciscan Alliance, Inc., King County Public Hospital District No. 1, d/b/a Valley Medical Center (“Hospital Plaintiffs”), Surgical Instrument Service Company, Inc. (“SIS”) and Defendant Intuitive Surgical, Inc. (collectively, “the Parties”) hereby stipulate as follows and respectfully request that the Court endorse this stipulation with an order, consistent with the September 28, 2023 Order Modifying the Class Certification Briefing Schedule, further modifying the class certification briefing deadlines, and scheduling a Case Management Statement (“CMS”) and Case Management Conference (“CMC”):

WHEREAS, on June 23, 2023, this Court granted the Parties’ stipulation to modify the class certification briefing schedule (ECF No. 206), with Plaintiffs’ motion for class certification due October 27, 2023, Defendant’s opposition brief due December 6, 2023, and Plaintiffs’ reply brief due January 12, 2024;

WHEREAS, the Court held a hearing on the Parties’ Cross-Motions for Summary Judgment and Intuitive’s *Daubert* motions on September 7, 2023;

WHEREAS, on September 20-22, 2023, the Parties conferred and agreed, subject to Court approval, to defer class certification briefing until after the Court had ruled on the pending summary judgment motions;

WHEREAS, on September 28, 2023, the Court issued an order concerning the Parties’ stipulation vacating the September 28, 2023 CMS deadline and adjourning the October 5, 2023 CMC until a date convenient to the Court after it ruled on the pending summary judgment and *Daubert* motions, and further modifying the class certification briefing schedule (ECF No. 222): 1) Plaintiffs’ motion for class certification due 45 days after the Court ruled on the pending cross-summary judgment motions, 2) Defendant’s opposition brief due 45 days after the deadline to file the motion for class certification, and 3) Plaintiffs’ reply brief due 35 days after the deadline for Defendant to file its opposition to the motion for class certification (the “Stipulation”);

WHEREAS, the Court issued rulings on the Parties’ Cross-Motions for Summary Judgment and *Daubert* motions on March 31, 2024 (the “Orders”) and indicated that it would “discuss a proposed schedule for class certification at a future date” (ECF No. 232 at fn. 6);

WHEREAS, as a result of the actual timing of the Orders, Intuitive has requested, and plaintiffs have agreed, to add three additional weeks to the schedule set forth for briefing class certification in the Stipulation;

NOW THEREFORE, the Parties have agreed consistent with the Stipulation and the parties' discussions since the Orders, subject to the Court's approval, to the following schedule:<sup>1</sup>

Event	Proposed Date
Case Management Statement	May 23, 2024
Case Management Conference	May 30, 2024
Deadline to file motion for class certification	June 6, 2024
Deadline to file opposition to motion for class certification	July 23, 2024
Deadline to file reply in support of motion for class certification	August 27, 2024
Class certification hearing	October 10, 2024

DATED: April 11, 2024

By: /s/ Jeffrey J. Corrigan

JEFFREY J. CORRIGAN

Manuel J. Dominguez (*pro hac vice*)  
 COHEN MILSTEIN SELLERS &  
 TOLL PLLC  
 11780 U.S. Highway One, Suite N500  
 Palm Beach Gardens, FL 33408  
 Tel: 561-515-2604  
 Fax: 561-515-1401  
 Email: jdominguez@cohenmilstein.com

Jeffrey J. Corrigan (*pro hac vice*)  
 Jeffrey L. Spector (*pro hac vice*)  
 Icee N. Etheridge (*pro hac vice*)  
 SPECTOR ROSEMAN & KODROFF, P.C.  
 2001 Market Street, Suite 3420  
 Philadelphia, PA 19103  
 Tel: 215-496-0300  
 Fax: 215-496-6611  
 Email: jcorrigan@srkattorneys.com  
 jspector@srkattorneys.com  
 ietheridge@srkattorneys.com

Benjamin D. Brown (SBN 202545)  
 Daniel McCuaig (*pro hac vice*)

Jeannine M. Kenney (*pro hac vice*)  
 HAUSFELD LLP

<sup>1</sup> While SIS will participate in the CMS and CMC, the dates in connection with the class certification motion do not apply to the SIS litigation.

Zachary Glubiak (*pro hac vice*)  
 COHEN MILSTEIN SELLERS &  
 TOLL PLLC  
 1100 New York Ave., Suite 500  
 Washington, DC 20005  
 Tel: 202-408-4600  
 Fax: 202-408-4699  
 Email: bbrown@cohenmilstein.com  
 dmccuaig@cohenmilstein.com  
 zglubiak@cohenmilstein.com

325 Chestnut Street, Suite 900  
 Philadelphia, PA 19106  
 Tel: 215-985-3270  
 Fax: 215-985-3271  
 Email: jkenney@hausfeld.com

Christopher J. Bateman (*pro hac vice*)  
 COHEN MILSTEIN SELLERS &  
 TOLL PLLC  
 88 Pine Street, 14th Floor  
 New York, NY 10005  
 Tel: 212-838-7797  
 Fax: 212-838-7745  
 Email: cbateman@cohenmilstein.com

Reena A. Gambhir (*pro hac vice*)  
 HAUSFELD LLP  
 888 16th St NW  
 Washington, DC 20006  
 Tel: 202-540-7145  
 Fax: 202-540-7201  
 Email: rgambhir@hausfeld.com

Samuel Maida (SBN 333835)  
 Gary I. Smith, Jr. (SBN 344865)  
 HAUSFELD LLP  
 600 Montgomery Street, Suite  
 3200 San Francisco, CA 94111  
 Tel: 415-633-1908  
 Fax: 415-358-4980  
 Email: smaida@hausfeld.com  
 gsmith@hausfeld.com

*Interim Co-Lead Counsel for Hospital Plaintiffs and the Proposed Class*

Michael J. Boni  
 Joshua D. Snyder (*pro hac vice*)  
 John E. Sindoni (*pro hac vice*)  
 BONI, ZACK & SNYDER LLC  
 15 St. Asaphs Road  
 Bala Cynwyd, PA 19004  
 Tel: 610-822-0200  
 Fax: 610-822-0206  
 Email: mboni@bonizack.com  
 jsnyder@bonizack.com  
 jsindoni@bonizack.com

*Counsel for Hospital Plaintiffs and the Proposed Class*

DATED: April 11, 2024

By: /s/Richard T. McCaulley  
 JOSHUA V. VAN HOVEN  
 JOSHUA V. VAN HOVEN, (CSB No. 261815)  
 MCCAULLEY LAW GROUP LLC  
 3001 Bishop Dr., Suite 300  
 San Ramon, California 94583  
 Telephone: 925.302.5941  
 E-Mail: josh@mccaulleylawgroup.com

RICHARD T. MCCAULLEY (*pro hac vice*)  
 180 N. Wabash Avenue, Suite 601  
 Chicago, Illinois 60601  
 Telephone: 312.330.8105  
 E-Mail: richard@mccaulleylawgroup.com

*Attorneys for* SURGICAL INSTRUMENT  
 SERVICE COMPANY, INC.

DATED: April 11, 2024

By: /s/ Kathryn E. Cahoy  
 KATHRYN E. CAHOY

*Attorney for Intuitive Surgical, Inc.*

*Additional Counsel for Intuitive Surgical, Inc.*

ALLEN RUBY (SBN 47109)  
 allen@allenruby.com  
 ALLEN RUBY, ATTORNEY AT LAW  
 15559 Union Ave. #138  
 Los Gatos, California 95032  
 Telephone: (408) 477-9690

KATHRYN E. CAHOY (SBN 298777)  
 Email: kcahoy@cov.com  
 COVINGTON & BURLING LLP  
 3000 El Camino Real  
 5 Palo Alto Square, 10th Floor  
 Palo Alto, California 94306-2112  
 Telephone: (650) 632-4700  
 Facsimile: (650) 632-4800

KAREN HOFFMAN LENT (*Pro Hac Vice*)  
 Email: karen.lent@skadden.com  
 MICHAEL H. MENITOVE (*Pro Hac Vice*)  
 Email: michael.menitove@skadden.com  
 SKADDEN, ARPS, SLATE,  
 MEAGHER & FLOM LLP  
 One Manhattan West  
 New York, NY 10001  
 Telephone: (212) 735-3000  
 Facsimile: (212) 735-2040

SONYA D. WINNER (SBN 200348)  
 Email: swinner@cov.com  
 CORTLIN H. LANNIN (SBN 266488)  
 Email: clannin@cov.com  
 ISAAC D. CHAPUT (SBN 326923)  
 Email: ichaput@cov.com  
 COVINGTON & BURLING LLP  
 Salesforce Tower  
 415 Mission Street, Suite 5400  
 San Francisco, California 94105-2533  
 Telephone: (415) 591-6000  
 Facsimile: (415) 591-6091

JOSHUA HILL (SBN 250842)  
 JHill@paulweiss.com

1 PAUL, WEISS, RIFKIND, WHARTON &  
2 GARRISON, LLP  
3 535 Mission Street, 24th Floor  
4 San Francisco, California 94105  
5 Telephone: (628) 432-5100  
6 Facsimile: (628) 232-3101  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ANDREW LAZEROW (*Pro Hac Vice*)  
Email: alazerow@cov.com  
ASHLEY E. BASS (*Pro Hac Vice*)  
Email: abass@cov.com  
JOHN KENDRICK (*Pro Hac Vice*)  
Email: jkendrick@cov.com  
COVINGTON & BURLING LLP  
One City Center 850 Tenth Street NW  
Washington DC 20001-4956  
Telephone: (202) 662-6000  
Facsimile: (202) 662-6291

**ATTESTATION PER LOCAL RULE 5-1(i)(3)**

The e-filing attorney hereby attests that concurrence in the filing of the document has been obtained from each of the other signatories indicated by a conformed signature (/s/) within this e-filed document.

DATED: April 11, 2024

By: /s/Andrew Lazerow

ANDREW LAZEROW

*Attorney for Intuitive Surgical, Inc.*

**[PROPOSED] ORDER**

IT IS SO ORDERED that the foregoing Stipulation and [Proposed] Order to Further Modify the Class Certification Briefing Schedule and Set Case Management Conference and Statement Deadlines is approved.

Dated \_\_\_\_\_, 2024

BY THE COURT:

---

HON. ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge